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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,890	08/28/2000	Oliver Brustle	V0S-012	7106
23483	7590	08/12/2005		
WILMER CUTLER PICKERING HALE AND DORR LLP 60 STATE STREET BOSTON, MA 02109				
			EXAMINER	
			FALK, ANNE MARIE	
			ART UNIT	PAPER NUMBER
			1632	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE  
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Serial Number	Filing Date	First Named Applicant	Attorney Docket No.
09/581,890	8/28/2000	Brustle et al.	VOS-012

EXAMINER	
Anne-Marie Falk, Ph.D.	
ART UNIT	PAPER NUMBER
1632	0805

**Please find below a communication from the EXAMINER in charge of this application**  
Commissioner of Patents

The reply filed on June 6, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amendment filed October 22, 2004 has been entered.

The supplemental amendment filed February 14, 2005 was not entered for reasons of record, reiterated here:

The supplemental reply filed on February 14, 2005 was not entered because supplemental replies are not entered as a matter of right except as provided in 37 CFR 1.111(a)(2)(ii). It is noted that the supplemental reply goes beyond the amendments submitted in the first reply of 10/22/04, by submitting additional amendments to the claims that go beyond the response of 10/22/04, without addressing the issue raised in the Office letter of 1/11/05. Issuance of a Notice of Non-Compliant Amendment is an opportunity to take corrective action only. When the reply to the Notice adds further amendments it constitutes a supplemental reply within the meaning of 37 CFR 1.111(a)(2). Supplemental replies are not entered as a matter of right. The reply must be limited to a reply to the Office requirement made after the first reply was filed. See 37 CFR 1.111(a)(2)(i)(D). Appropriate correction is required.

To clarify the action needed to obviate the supplemental amendment of 2/14/05 which was not entered, it is noted that Applicant should re-file the claim amendment section originally filed 10/22/04, so that the most recent Claims Listing in the file reflects the claims currently under consideration. Claims that were "currently amended" or "new" (in the amendment of 10/22/04) should now be listed as "previously presented" and no claim markings (e.g. underline or strike-through) should be included. Although the amendment of 2/14/05 was not entered, it is currently the last Claims Listing present in the file. Since the current listing of claims is considered not entered, a new claim listing presenting the claims currently under consideration is required to replace the Claims Listing that was not entered. There is no need to re-submit the remarks section.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply

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the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne-Marie Falk, Ph.D. whose telephone number is (571) 272-0728. The examiner can normally be reached Monday through Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735. The central official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Anne-Marie Falk, Ph.D.

*Anne-Marie Falk*  
ANNE-MARIE FALK, PH.D  
PRIMARY EXAMINER